Supplement

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SUPREME COURT, U.S.

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1980

NO. 80-5551

ORIGINAL COPY

William E. Conrad

V.

Warren E. Burger, et al

2ND ADDENDUM TO JURISDICTIONAL STATEMENT AND BRIEF

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Pro-se

December 3, 1980

Copy mailed to: Solicitor General, Dept. of Justice, Washington, D.C. 1 copy enclosed pursuant to Justice Burgers approval granted in petitioners letter of October 13, 1980.

Section 13 of the Act of February 13,1925 is seperate, is exclusive, it deals only with the provisions of statutes and parts of statutes to be repealed, of the Judicial Code, of Acts designated in Section 13, none other.

Wherewith,"All other Acts or parts of Acts in so far as they are embraced within and superceded by this Act or are inconsistent therewith."(are repealed) pertains only to Section 13 exclusively, has no effect upon Amending Sections 1 thru 12, nor affect accruing and accrued Rights protected by the United States Constitution under the exception and exclusionary provision stated in Section 14 "nor shall it affect the right to a review,"

(Section 13)"Sections 2,4 and 5 of "An Act to Amend an Act entitled "An Act to codify, revise, and amend the laws relating to the judiciary approved March 3, 1911," approved January 28,1915." Refers to the Act of January 28,1915 exclusively, not the Act of March 3, 1911, nor Act of March 3, 1891. Sections 2,4 and 5 are part of Act of January 28,1915 not identified as such in Acts of March 3,1911, March 3,1891.

Nothing in the Act of February 13,1925,January 28,1915, March 3,1911 refers to , nor repeals the original Special Act of Congress March 3, 1891 Ch.517. 26 Stat, 826, #5,#6, 827,828.

The proposition that the Supreme Court of the United States mandatory jurisdiction is eliminated by the Act of February 13, 1925, or by ommission, or that the jurisdiction of the Supreme Court depends upon that given by statute is in conflict with the seperation of Power grant of the United States Constitution.(Article 3 Section 1; The Judicial Power of the United States, shall be vested in one supreme Court,)

There cannot be two (2) United States Appellate Courts with Judicial Power of final appealable order, or last final appealable order, or two (2) seperate Court(s) of last resort.

Congressional Record - Senate May 2,1882 P.3503 Mr. Morgan;"Therefore it is true that the Supreme Court of the United States is one supreme court, and any measure by which it may be undertaken to divide that Supreme Court into different sections will be in my judgment, an unconstitutional invasion of the Unity and authority of that great tribunal."

Act of February 13,1925, if considered by this court as constitutional, did not repeal Section 128,238, did in fact only amend Sections 128,238 Judicial Code being only Prima Facie, Presumed to be the Law, has in

"The very meaning of prima Facie" is that the Code cannot prevail over statutes at large when the two are inconsistent." Stephen v United States, 319 US 423,426, 63 S. Ct. 1135.

"Certainly where, as here, the "Change of arrangment" was made by a codifier without approval of Congress, it should be given no weight." Fourco Glass Co. v Transmission Corp.,353 US 222,227, 77 S. Ct 787 quoting Anderson v Pacific Coast S.S.Co. 225 US 187,198-199, 32 S. Ct. 626.

"If Construction (of a section of the United States Code which has not been enacted into positive law) is necessary, recourse must be had to the original statutes themselves." Murrell v Western Union Tel. Co. 160 F.2d.787,788 (quoted in United States v. Welden, 377 US 95, 12 L.ed.2d. 152, 84 S. Ct. 1042 (No 4 Key Statutes 140)

Act of March 3, 1911 Ch. 231. 36 Stat. 1168 Sec. 296
This Act may be designated and cited as "The Judicial Code."

This Court, in this case, should decree;

It shall be proclaimed by the United States Supreme Court that, Congress of the United States cannot pass acts repealing or affecting Constitutional Rights or Common Law Rights.

This petitioner demands emergency expediting of oral argument, as each day passes is punishment, deprivation of my family of the necessities of life and this petitioner the right to a lawful avocation.

This petitioner demands the Supreme Court suspend it's rules (In Re Giannini, Inc. 90 F.2nd. 445,447 citing U.S. v Breiting 20 How. 252,254) in this case until the Rules be scrutinized to the effect, whether they are constitutional or unconstitutional as applied. Weller v. Dickson, 314 F.2nd. 598,603 "I do not agree with the dictum in that case (Civil Rights) to the effect that the rules are the same in civil and criminal cases."